

**DRAFT
ORDINANCE NO. ____
TOURIST HOME LICENSING**

AN ORDINANCE OF THE CITY OF SANDPOINT, BONNER COUNTY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 3, BUSINESS AND LICENSE REGULATIONS, BY ADDING A NEW CHAPTER 11 TOURIST HOME LICENSING; PROVIDING FOR DEFINITIONS CONCERNING TOURIST HOMES; PROVIDING FOR INSPECTION REQUIREMENTS; PROVIDING FOR GENERAL STANDARDS; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR INSPECTION REQUIREMENTS; PROVIDING FOR FEES; PROVIDING FOR VIOLATIONS OR PENALTIES; REPEALING PRIOR INCONSISTENT PROVISIONS; PROVIDING THAT THESE PROVISIONS SHALL BE DEEMED SEVERABLE AND THAT REMAINING SECTIONS OF SANDPOINT MUNICIPAL CODE SHALL NOT BE AFFECTED BY A FINDING THAT THESE PROVISIONS ARE UNLAWFUL OR UNENFORCEABLE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS: The Mayor and City Council deemed it in the public interest to regulate tourist homes, also known as vacation rentals; and

WHEREAS: Regulation in the form of a license and the issuance of licenses requires standards designed to ensure the safety, well-being, enjoyment, and protection of visitors and year round inhabitants; and

WHEREAS: The Sandpoint Mayor and City Council find it in the public interest to require a revocable license for the operation of tourist homes.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Sandpoint:

Section 1: Statement of Purpose

This ordinance is intended to allow the rental of private homes to visitors on a short-term basis in zones where this use is permitted, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, parking problems, noise, and density. Additionally, this ordinance is intended to ensure that the number of occupants within such rental units does not exceed the design capacity of the structure or cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect the visitor from unsafe or unsanitary conditions.

Section 2: Definitions

- A. *Local contact person* - an area property manager, owner, or agent of the owner, who is readily available and authorized to respond to tenant and neighborhood questions or concerns.
- B. *Managing agency or agent* - a person, firm or agency representing the owner of the tourist home rental, or a person, firm or agency owning the tourist home rental.
- C. *Owner* - the person or entity that holds legal and/or equitable title to the private property. A long term lease satisfies this requirement provision if the owner consents to licensing. The owner may act through an agent or property manager, but the owner shall remain responsible for compliance with these provisions.
- D. *Vacationer* - any person or persons who occupy, possess or is entitled to occupancy or possession by reason of any rental agreement, concession, permit, right of access, license, time-sharing arrangement, or any other type of agreement for a period of five (5) days and less than thirty (30) consecutive calendar days, counting portions of calendar days as full days.
- E. *Tourist home* – a residence, including a single-family unit or a multi-family unit, which is rented for the purpose of overnight lodging for a period of not less than five (5) days and not more than thirty (30) days. Rentals for less than five (5) days shall be considered a motel or bed & breakfast use and regulated accordingly. Tourist homes existing at the effective date of this ordinance shall have five (5) years to comply with the zoning code requirements of their respective zones. Tourist Homes are also commonly referred to as vacation rentals.

Section 3: License required - No owner shall rent a unit as a tourist home without a valid tourist home license issued by the City.

A. The application process shall include:

- 1. Completed and signed Tourist Home License application including name and telephone number of local contact person.
- 2. Application for Conditional Use Permit (if required).
- 3. Scheduled for or completed inspection of dwelling and premises by approved inspector.
- 4. Completed Sandpoint business registration.

B. Inspection Requirements. Each dwelling unit used as a tourist home shall be subject to the following inspection requirements:

- 1. Any unit seeking a license shall be inspected, prior to commencement of the use, by a qualified inspector authorized and approved by the City to conduct such inspections.

2. The actual cost of such inspection, plus any administrative charges, shall be paid by the owner pursuant to the City's adopted fee schedule, which may be adopted by Resolution.
3. Failure to satisfy the inspection requirements will necessitate another inspection to show proof of compliance.
4. Inspection criteria may be adapted and amended by the City Council by Resolution.

C. General Standards

1. The owner shall limit occupancy of the tourist home to the specific number of occupants designated in the license; with the number of overnight occupants not to exceed two (2) persons per bedroom meeting building code requirements, plus two (2) additional persons per residence. In no case may the occupancy of a tourist home unit in a residential zone exceed sixteen (16) people.
2. The owner shall limit the number of vehicles, including boat and recreational vehicle parking, for overnight occupants to the number designated in the license and shall not exceed the number of designated allowed parking spaces.

D. Conditions of Operation

1. The owner, upon notification that occupants and/or guests of their tourist home rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this Code or State law pertaining to noise, or disorderly conduct, or other nuisances, shall promptly abate such problems and prevent a recurrence of such conduct by those occupants or guests. This entails:
 - a. A managing agency, owner, agent or property manager shall be personally and locally available by telephone on a twenty-four (24) hour basis to respond in a timely manner to calls regarding the condition and/or operation of the unit.
 - b. Responding in a timely and appropriate manner shall mean that a response to an initial report shall be made within one (1) hour of the time the call was made, and corrective action shall be commenced to address any violation of this section within two and a half (2 1/2) hours of the initial report.
 - c. Failure to respond to calls in a timely manner may result in revocation of the tourist home license authorizing the use.

2. The owner of the tourist home shall post a copy of the permit and a copy of the conditions set forth in this section, including safety and exit provisions, in a conspicuous place within the tourist home.
3. The managing agency, owner, agent or property manager shall be responsible for compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
4. The City Council shall have the authority to impose additional standards and conditions as necessary to achieve the objectives of this ordinance. Such conditions may be established and amended by the City Council by Resolution.

E. Inspection Requirements - The following requirements for tourist homes will be evaluated upon inspection of each unit, and shall constitute minimum requirements. The unit must be brought into conformance with these requirements and any other applicable codes and ordinances prior to the issuance of a license.

1. Smoke detectors shall be installed within each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping room. Battery-operated smoke detectors are acceptable provided that they are maintained in good working order at all times, except as required by other applicable codes. In special circumstances, the requirement of a residential sprinkler system exists.
2. The tourist home shall be equipped with a minimum of one 2A:10B:C type extinguisher with seventy-five (75) feet of travel distance to all portions of the structure; at least one such extinguisher is required per floor. Fire extinguishers(s) shall be mounted in visible locations with the tops of the fire extinguishers mounted between three and five feet above the floor, and shall be accessible to occupants at all times. Annual certification tags must be provided and be current on all extinguishers.
3. Furniture and other combustible material shall be kept a minimum of fifty-four (54) inches from fireplace openings and a minimum of thirty (30) inches from the front of wall or floor heaters, or as required by the manufacturer.
4. Flammable liquid storage is prohibited except in garages where up to five gallons of fuel may be stored in approved containers for maintenance purposes. This requirement excludes fuel tanks in vehicles.
5. Any locking mechanism on exterior doors must be operable from inside the unit without the use of a key or special knowledge or effort. If the dwelling unit is greater than three thousand (3,000) square feet in area, two exit doors shall be required, each of which shall conform to this requirement.

6. Tourist homes shall be maintained in a clean and sanitary condition and free from hazards.
7. There shall be no exposed wiring or overloaded electrical circuits.
8. There shall be no permanent use of extension cords for appliances, heaters, lamps or other fixtures, except as provided by the inspector.
9. There shall be no leaking fixtures, or clogged or leaking wastewater lines.
10. Faucets and fixtures shall be maintained in working condition.
11. Showers, sinks and bathing facilities shall be clean and shall drain properly.
12. There shall be no evidence of pest infestations.
13. Bedroom windows shall be operable to allow for emergency egress.
14. There shall be no accumulation or storage of trash and/or debris on the site or within the unit; trash shall be removed from the premises within 48 hours or upon any tenant departure.
15. All steps, stairways, decks, and railings shall be stable and structurally-sound and regularly maintained for snow removal and other debris.
16. Fireplaces shall be equipped with screens that are adequate to prevent sparks or rolling logs from escaping the fireplace opening. Chimneys shall be cleaned annually or twice a year if more than one (1) cord of wood is burned.
17. All appliances, including but not limited to kitchen appliances, furnaces and water heaters, shall be operational.
18. Any hot tubs, pools, and spas shall be fenced or equipped with an approved cover with approved locking mechanisms as required by state law, and shall be maintained in a safe and sanitary condition.
19. Any lofts or attic conversions shall be provided with acceptable exiting and head clearance; stairs providing access to these areas shall be safe and structurally sound.
20. Emergency exit routes shall be illuminated with a battery-operated emergency light, so as to provide for safe exiting in the event of electrical failure, unless otherwise approved by the inspector.
21. Exits shall remain clear of storage, debris, or impedance at all times.

22. Parking shall be provided on-site to meet the occupancy of each tourist home at a ratio of not less than one parking space per bedroom.

23. Overnight on-street parking shall be limited to one vehicle. All parking regulations shall be adhered to.

F. Fees

1. A tourist home license application shall be accompanied by a fee established by Resolution of the City Council provided the fee shall only defer the cost incurred in administering the provisions of this ordinance.

2. Upon change of ownership, a new application for tourist home license and business registration shall be submitted, accompanied by all fees.

3. Licenses shall promptly pay all federal, state, and local taxes and fees.

4. A Conditional Use Permit, when necessary, is transferable and is attached to the property.

G. Violations and Penalties - Non-compliance by an owner, managing agency, property owner, or agent of the requirements for registration, inspection and operation of tourist home units may result in the revocation of the tourist home license authorizing the use, and no new license may be issued to the same licensee for a period of twelve (12) months following such revocation. Should such revocation occur, it shall be subject to the right of hearing before a hearing officer appointed by the Mayor or before the Mayor and City Council. Operation without a license shall be a misdemeanor, punishable by a fine up to \$300.00, thirty (30) days in jail, or both such fine and incarceration.

Section 4: Repeal and Severability

A. That any provisions of the Sandpoint City Code found to be inconsistent with this Ordinance be and the same is hereby repealed.

B. Should any provision of this Ordinance be deemed unlawful or unconstitutional, such finding shall not affect the remaining provisions of this Ordinance.

Section 5: Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED BY THE CITY COUNCIL as an ordinance of the City of Sandpoint on this _____ day of _____, 2005.

Raymond P. Miller, Mayor
City of Sandpoint

Attest:

Helen M. Newton, City Clerk

